

2011 Jr1 DRAFTING REQUEST

Senate Amendment (SA-SB13)

Received: **05/04/2011**

Received By: **mkunkel**

Wanted: **As time permits**

Companion to LRB:

For: **Kathleen Vinehout (608) 266-8546**

By/Representing: **Joel Nilsestuen**

May Contact:

Drafter: **mkunkel**

Subject: **Public Util. - telco**

Addl. Drafters:

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Sen.Vinehout@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Rates for basic voice service

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mkunkel 05/04/2011	kfollett 05/04/2011		_____			
/1			rschluet 05/04/2011	_____	lparisi 05/04/2011	lparisi 05/04/2011	

FE Sent For:

<END>

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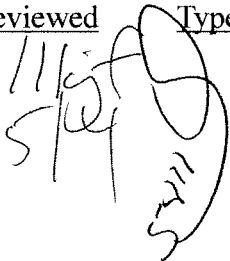

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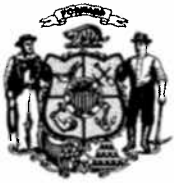
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/?	mkunkel			==			

FE Sent For:

<END>



State of Wisconsin
2011 - 2012 LEGISLATURE

January 2011 Special Session



LRBa0722/1
MDK:wlj:jf

O-Note

cr state
0075411
RMM
PNN

Today
3 AM

~~ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 14~~

SA to
SB 13

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 2, line 16: delete “and”.
- 3 **2.** Page 2, line 17: after “providers” insert “; and granting rule-making
- 4 authority”.
- 5 **3.** Page 17, line 17: after “contrary” insert “except s. 196.503 (2) (c)”.
- 6 **4.** Page 18, line 14: on lines 14 and 16, after “subd. 2.” insert “and s. 196.503
- 7 (2) (c)”.
- 8 **5.** Page 19, line 20: on lines 20 and 21, delete “or 196.219” and substitute
- 9 “196.219, or 196.503 (2) (c)”.
- 10 **6.** Page 47, line 12: delete that line and substitute “DEFINITIONS. In this
- 11 section:
- 12 (a) “Basic voice service” means the provision to residential”.

1 **7.** Page 47, line 17: after that line insert:

2 “(b) “Exchange area” means a geographic service area established by an
3 incumbent local exchange carrier and approved by the commission.”.

4 **8.** Page 47, line 18: after “OBLIGATIONS” insert “; BASIC VOICE SERVICE RATES”.

5 **9.** Page 47, line 24: after that line insert:

6 “(c) 1. Except as provided in subd. 6., an incumbent local exchange carrier may
7 not increase rates for basic voice service except as provided in this paragraph and
8 unless the carrier provides notice to the commission and to affected customers not
9 less than 30 days before the effective date of the proposed increase.

10 2. Except as provided in subd. 6., if an incumbent local exchange carrier, within
11 12 months prior to the effective date of this subdivision [LRB inserts date],
12 increased the carrier’s rates for basic local exchange service for an exchange area,
13 both of the following apply:

14 a. The incumbent local exchange carrier may not increase the carrier’s rates
15 for basic voice service for the exchange area by any amount during the 12-month
16 period that ends after the date of the last increase of the rates for basic local exchange
17 service.

18 b. The incumbent local exchange carrier may not, during the 12-month period
19 that begins immediately after the 12-month period specified in subd. 2. a., or during
20 any subsequent 12-month period, increase the carrier’s rates for basic voice service
21 for the exchange area by more than \$2 over the 12-month period.

22 3. Except as provided in subd. 6., if an incumbent local exchange carrier did not,
23 within 12 months prior to the effective date of this subdivision [LRB inserts date],
24 increase the carrier’s rates for basic local exchange service for an exchange area, and

1 if the commission made a prior determination that the exchange area qualified for
2 alternative regulation of basic local exchange service under s. 196.196 (1) (g), 2009
3 stats., the incumbent local exchange carrier may not, during the 12-month period
4 that begins on the effective date of this subdivision [LRB inserts date], or during
5 any subsequent 12-month period, increase the carrier's rates for basic voice service
6 for the exchange area by more than \$2 over the 12-month period.

7 4. a. Except as provided in subd. 6., if the commission has not made a prior
8 determination that an exchange area qualified for alternative regulation of basic
9 local exchange service under s. 196.196 (1) (g), 2009 stats., an incumbent local
10 exchange carrier may not increase its rates for basic voice service for the exchange
11 area unless the carrier first applies to the commission, and the commission
12 determines that the application demonstrates that 2 or more alternative providers
13 offer, in the exchange area, competing service to the basic voice service offered by the
14 incumbent local exchange carrier in the exchange area, regardless of the technology
15 and facilities used by the alternative provider, the alternative provider's location, or
16 the extent of the alternative provider's service area within the exchange area. For
17 purposes of this subd. 4. a., "alternative provider" includes any telecommunications
18 provider, including a commercial mobile radio service provider or an entity that
19 provides interconnected voice over Internet protocol service.

20 b. Unless the commission, within 30 days after receipt of an application under
21 subd. 4. a., issues an order finding that the requirements of subd. 4. a. are not
22 satisfied, the commission is considered to have approved the application.

23 c. An incumbent local exchange carrier that files an application under subd. 4.
24 a. may not, during the 12-month period that begins on the 31st day after the filing
25 of the application, and during any subsequent 12-month period, increase the

1 carrier's rates for basic voice service for the exchange area to which the application
2 applies by more than \$2 over the 12-month period.

3 5. Except as provided in subd. 6., prior to January 1, 2012, an incumbent local
4 exchange carrier may not increase the carrier's rates for basic voice service for a
5 customer receiving lifeline service.

6 6. At any time and upon not less than 30 days' notice to the commission and
7 to affected customers, an incumbent local exchange carrier that is a cooperative
8 association organized under ch. 185 or 193 may increase its rates for basic voice
9 service by any amount.

10 7. The rates, terms, and conditions for basic voice service and for installation
11 and reconnection fees for basic voice service shall be tariffed in the manner
12 prescribed by rules promulgated by the commission.

13 8. a. On the commission's own motion or upon complaint filed by a consumer,
14 the commission shall have jurisdiction to take administrative action to enforce this
15 paragraph.

16 b. The commission may, at its discretion, bring an action against a
17 telecommunications provider for injunctive relief to compel compliance with this
18 paragraph, to compel the accounting and refund of any moneys collected in violation
19 of this paragraph, or for any other relief permitted under this chapter.”.

20 (END)

D. No He

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0722/1dn
MDK:subject

Stays

~~May 27, 2011~~
Date

a0754/1dn

which I also noted
for LRBa0722/1

Sen. Vinehout:

Please note the following about this amendment:

1. I made changes to the organization of your new material and revised some of the language. Therefore, please review the amendment to make sure it achieves your intent.
2. In s. 196.503 (2) (c) 3. and 4. a., I referred to alternative regulation under s. 196.196 (1) (g), rather than s. 196.196, because s. 196.196 (1) (g) deals specifically with alternative regulation. Is that okay? Also, s. 196.195 (12) has provisions for alternative regulation. You didn't cite s. 196.195 (12), so I didn't refer to that provision in s. 196.503 (2) (c) 3. and 4. a.
3. Section 196.503 (2) (c) 3. refers to a prior determination of the PSC. Do you want to clarify whether that is prior to a particular 12-month period mentioned in s. 196.503 (2) (c) 3.?
4. Is the reference to "interconnected voice over Internet protocol service" in s. 196.503 (2) (c) 4. a., okay? Your instructions refer to a "provider of internet protocol-enabled services, including voice over internet protocol." However, because the bill defines "interconnected voice over Internet protocol service," I used that term instead of your terms.
5. I did not include the language prohibiting "banking" of increases. If you want to include such a prohibition, please elaborate on what you mean by "banking."

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0754/1dn
MDK:wlj:rs

May 4, 2011

Sen. Vinehout:

Please note the following about this amendment, which I also noted for LRBa0722/1:

1. I made changes to the organization of your new material and revised some of the language. Therefore, please review the amendment to make sure it achieves your intent.
2. In s. 196.503 (2) (c) 3. and 4. a., I referred to alternative regulation under s. 196.196 (1) (g), rather than s. 196.196, because s. 196.196 (1) (g) deals specifically with alternative regulation. Is that okay? Also, s. 196.195 (12) has provisions for alternative regulation. You didn't cite s. 196.195 (12), so I didn't refer to that provision in s. 196.503 (2) (c) 3. and 4. a.
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